REMARKS

This amendment cancels claim 14, 34, and 35 and adds claims 36 – 40. This amendment also amends claims 5, 15 – 18, and 21. Applicant notes that claim 35 was inadvertently introduced in the amendment filed on 15 August 2005. In that amendment, claims 33 and 34 were erroneously labeled as 34 and 35. Hence, claim 34 corresponds to canceled claim 32 and claim 35 corresponds to claim 34 prior to that amendment. To clear the mistaken numbering, claims 34 and 35 have been canceled, and are now presented as new claims 36 and 37.

Applicant respectfully submits that none of the art of record discloses or suggests the subject matter of the claims. As stated in previous responses, none of the art of record discloses or suggests increasing performance state or increasing clock frequency if user activity increases or is high, as represented by a measured temperature being greater than a desired temperature.

Also, the Examiner in previous rejections does not address the limitations of claims 24 and 25, when rejecting the claims with Kikinis and Atkinson. The Examiner simply makes a general allegation that all of the claims are unpatentable because Kikinis discloses a T_{TH} and Atkinson discloses a lookup table with temperatures and respective fan speeds and CPU speeds. Claim 24 recites "wherein the desired operating temperature is computed based on a plurality of factors, the plurality of factors including the current frequency, voltage, and temperature of the processor device." Claim 25 recites "wherein the desired operating temperature is modified based on environmental variations affecting the processor device." The programmable threshold disclosed by Kikinis is not computed based on any factors, but it is simply set by a user. Atkinson discloses a reference voltage that sets the predetermined low and high temperature 'trip points'." There is no disclosure or suggestion to compute a desired operating temperature based on frequency, voltage, and temperature, or to modify based on environmental variations that affect the processor device. There is no disclosure of computing any value based on frequency or temperature, much less frequency, temperature, and voltage. Applicant respectfully notes that

> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP 2143.03 *quoting* In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

The Examiner has not established prima facie obviousness of claim 24 and 25 at least because 1) the Examiner fails to even address the limitations of the rejected claims 24 and 25, and 2) none of the cited references disclose or suggest the limitations of the claims 24 or 25. The rejections of claims 24 and 25 should be withdrawn since the Examiner has not supplied a reference that discloses or suggests all of the limitations of claims 24 or 25.

In summary, claims 5, 15 – 25, 31, and 34 – 38 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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Steven R. Gilliam — 20-Sep-2005 (Date)

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